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Agenda item 63

Report of the Human Rights Council

Report of the Third Committee

Rapporteur: Mr. Asif **Garayev** (Azerbaijan)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled "Report of the Human Rights Council" and to allocate it to both the plenary and the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the Assembly, including those that deal with the development of international law in the field of human rights.

2. The Third Committee considered the item at its 39th, 43rd, 44th and 48th meetings, on 2, 9, 11 and 18 November 2010. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/65/SR.39, 43, 44 and 48).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Human Rights Council on its twelfth, thirteenth and fourteenth sessions, its thirteenth special session and its fifteenth session;[1]

(b) Report of the Secretary-General on revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its twelfth, thirteenth and fourteenth sessions and its fifteenth session (A/65/333 and Corr.1 and Add.1).

4. At the 39th meeting, on 2 November, the President of the Human Rights Council made a statement (see A/C.3/65/SR.39).

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1); and ibid., *Supplement No. 53 A* (A/65/53/Add.1).

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II. Consideration of proposals

A. Draft resolution A/C.3/65/L.57

5. At the 43rd meeting, on 9 November, the representative of Mali, on behalf of the States Members of the United Nations that are members of the Group of African States, the Russian Federation and Turkey, introduced a draft resolution entitled "Report of the Human Rights Council" (A/C.3/65/L.57). Subsequently, India joined in sponsoring the draft resolution.

6. At the 48th meeting, on 18 November, the representative of Mali made a statement (see A/C.3/65/SR.48).

7. At the same meeting, the Secretary read out a statement of the programme budget implications of the draft resolution.

8. Also at the same meeting, statements were made by the representatives of Morocco (on behalf of the Organization of the Islamic Conference) and Turkey (see A/C.3/65/SR.48).

9. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/65/L.57 by a recorded vote of 119 to 2, with 55 abstentions (see para. 14, draft resolution I). The voting was as follows:[2]

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands.

Abstaining:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia,

[2] The delegation of Belize subsequently indicated that it had intended to vote in favour.

Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania , Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

10. Before the vote, statements were made by the representatives of Israel, Belgium (on behalf of the European Union), the Syrian Arab Republic and Chile; after the vote, statements were made by the representatives of Norway (also on behalf of Iceland, Liechtenstein, New Zealand and Switzerland), the Democratic People's Republic of Korea, the United States of America, Costa Rica, Canada and Mexico (A/C.3/65/SR.43).

B. Draft resolution A/C.3/65/L.59

11. At the 43rd meeting, on 9 November, the representative of El Salvador, on behalf of Albania, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Gabon, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Jamaica, Luxembourg, Mexico, Montenegro, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Seychelles, Slovenia, Spain, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Proclamation of 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims" (A/C.3/65/L.59).[3]

12. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.59 (see para. 14, draft resolution II).

13. After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/65/SR.43).

[3] Subsequently, India indicated that it had intended to sponsor the draft resolution.

III. Recommendations of the Third Committee

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the Human Rights Council

The General Assembly,

Having considered the recommendations contained in the report of the Human Rights Council and the addendum thereto,[1]

Takes note of the report of the Human Rights Council and the addendum thereto[1] and acknowledges the recommendations contained therein.

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1); and ibid., *Supplement No. 53 A* (A/65/53/Add.1).

Draft resolution II
Proclamation of 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,[3]

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

Recalling articles 32 and 33 of Additional Protocol I to the Geneva Conventions of 12 August 1949[4] and article 24, paragraph 2, of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, according to which each victim has the right to know the truth regarding the circumstances of enforced disappearances, the progress and results of the investigation and the fate of the disappeared person,

Taking into account the right to the truth as defined in Commission on Human Rights resolution 2005/66 of 20 April 2005[5] and Human Rights Council decision 2/105 of 27 November 2006[6] and resolutions 9/11 of 24 September 2008[7] and 12/12 of 1 October 2009[8] on the right to the truth,

Welcoming Human Rights Council resolution 14/7 of 17 June 2010 entitled "Proclamation of 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims",[9]

Acknowledging the reports of the Office of the United Nations High Commissioner for Human Rights and the significant conclusions therein related to the right to the truth,[10]

Recognizing the importance of promoting the memory of victims of gross and systematic human rights violations and the importance of the right to truth and justice,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] United Nations, *Treaty Series*, vol. 1125, No. 17512.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. B.

[7] Ibid., *Sixty-third Session, Supplement No. 53 A* (A/63/53/Add.1), chap. I.

[8] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[9] Ibid, chap. III, sect. A.

[10] E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

Acknowledging, at the same time, the significance of paying tribute to those who have devoted their lives to, and lost their lives in, the struggle to promote and protect human rights for all,

Recognizing in particular the important and valuable work of Monsignor Oscar Arnulfo Romero, of El Salvador, who was actively engaged in the promotion and protection of human rights in his country, and whose work was acknowledged internationally through his messages, in which he denounced violations of the human rights of the most vulnerable populations,

Recognizing the values of Monsignor Romero and his dedication to the service of humanity, in the context of armed conflicts, as a humanist dedicated to defending human rights, protecting lives and promoting human dignity, his constant calls to dialogue and his opposition to all forms of violence to avoid armed confrontation, which consequently led to his death on 24 March 1980,

1. *Proclaims* 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims;

2. *Invites* all Member States, organizations of the United Nations system and other international organizations and civil society entities, including non-governmental organizations and individuals, to observe the International Day in an appropriate manner;

3. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.